

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

THE CONTRIBUTOR; CALVIN)	
HART; and ANDREW HARRINGTON)	No. 3-11-0624
)	
v.)	
)	
CITY OF BRENTWOOD)	

ORDER

The portion of defendant's motion seeking a case management conference (Docket Entry No. 23) was GRANTED, and a case management conference was held on March 12, 2012, at which time the following matters were addressed:

1. The portion of the defendant's motion seeking to amend case management order (Docket Entry No. 23) was GRANTED to the extent provided herein.
2. By March 14, 2012, the plaintiffs shall update their privilege log in response to the March 9, 2012, email from defendant's counsel.
3. Plaintiffs' counsel represented that there were no emails (to which privilege is asserted or not) responsive to the defendant's discovery requests between January of 2011, and April 25, 2011.
4. In response to the plaintiffs' concerns, the defendant shall update its privilege log by March 16, 2012.
5. The April 23, 2012, deadline for completion of all fact discovery is extended to May 30, 2012.
6. The March 9, 2012, deadline for the defendant to serve expert disclosures in accord with Rule 26(a)(2) of the Federal Rules of Civil Procedure is extended to March 23, 2012.¹

¹ The defendant anticipates disclosing Mr. Murphy, an employee of the defendant, as a traffic engineering expert, and Tom McCoy as a constitutional law expert. Although the plaintiffs will not use any experts unless the defendant discloses experts, the plaintiffs anticipate disclosing a traffic expert if the defendants disclose a traffic expert, but do not anticipate disclosing a rebuttal constitutional law expert.

7. The April 19, 2012, deadline for the plaintiffs to serve any Rule 26(a)(2) rebuttal expert disclosures is extended to April 23, 2012. The plaintiffs shall not be permitted to use any experts that are not in rebuttal to any expert disclosures made by the defendant.

8. The deadline for completion of expert discovery remains May 30, 2012.

9. The April 19, 2012, deadline for the parties to file a joint mediation report is extended to June 8, 2012, indicating the potential for settlement, propriety of ADR, and whether the parties have participated--formally or informally--in mediation or if they hope to do so.

10. The May 4, 2012, deadline for filing any discovery motion is extended to June 8, 2012. Alternatively, the parties shall, by June 8, 2012, schedule a telephone conference call with the Court to address any discovery issues or disputes.

11. The deadline for the parties to file any dispositive motions remains August 1, 2012.

12. Counsel represented that the parties have stipulated that, if the plaintiffs attempted to sell The Contributor in Brentwood in the same manner in which they previously sold the Contributor and received citations, they would be cited under the revised ordinance even though the plaintiffs were originally cited under the old ordinance which has since been amended. Thus, there is no issue about the standing of the plaintiffs to pursue this action in light of the amended ordinance.

13. By March 26, 2012, the parties shall file a joint statement of discovery issues in dispute relating to emails and the parties' assertions of privilege or, alternatively, the parties shall file separate discovery statements relating to the discovery issues in dispute.

14. A hearing is scheduled on **Tuesday, March 27, 2012, at 3:00 p.m.**, in Courtroom 764, U.S. Courthouse, 801 Broadway, Nashville, TN to address any remaining discovery disputes relating to the production of emails and assertions of privilege.

If the parties are able to resolve their disputes prior to March 27, 2012, they shall so notify the Court and the March 27, 2012, hearing will be cancelled.

It is so ORDERED.


JULIET GRIFFIN
United States Magistrate Judge